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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,853	12/08/2003	Nam-Ki Min	007937.P039	6429
58/027 7590 05/22/2009 H.C. PARK & ASSOCIATES, PLC 8500 LEESBURG PIKE SUITE 7500 VIENNA, VA 22182				
EXAMINER				
TRAN, QUOC DUC				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
05/22/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENT@PARK-LAW.COM

Office Action Summary

Application No.

10/730,853

Applicant(s)

MIN ET AL.

Examiner

Quoc D. Tran

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 8, 15, 17, 19, 21, 23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 8, 19 and 21 is/are allowed.
- 6) ☒ Claim(s) 15, 17, 23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (2003/0054863) in view of Vandermeijden et al (2004/0067751).

Consider claim 15, Lee et al teach a mobile terminal (Fig. 2), comprising: a radio frequency (RF) receiver to receive data including caller information during a call over a forward traffic channel after a call connection is setup (§ 0039-0041, 0044; ***It should be noted that the caller image information is transmitted from the calling EU to network Node B and then to the called EU (see Fig. 4, step 449). Thus, mobile communications from calling EU to Node B is uplink channel (i.e., reverse traffic channel) and communication from Node B to the called EU is a downlink channel (i.e., forwarding traffic channel)***); a memory unit to store the caller information to be linked with a telephone number of a caller terminal (§ 0031, 0044); and a controller to control the mobile terminal to display the caller information if a paging signal is received for the call with the caller terminal after terminating the voice call (§ 0027-0028, 0048).

Lee et al did not suggest *wherein the caller information received at the RF receiver is automatically updated in the mobile terminal by linking an updated image or updated telephone*

number contained in the data with a preexisting telephone number stored in a telephone directory. However, Vandermeijden et al suggested such (par. 0051-0053).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Vandermeijden et al into view of Lee et al in order to eliminate manual entry or downloading of data in the user device.

Consider claim 23, Lee et al teach wherein the caller information is transmitted in the form of a packet (¶ 0041).

3. Claims 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (2003/0054863) in view of Partridge, III (H1714).

Consider claim 17, Lee et al teach a mobile terminal, comprising a memory unit to store caller information (Fig. 2); and a radio frequency transmitter to transmit data to a service system during a voice call over a reverse traffic channel (see Fig. 4, 449, *transmitting caller data to Node B+RNC+CN*), wherein the data includes the caller information (i.e., caller image) and a telephone number of a receiving party (i.e., dialing number) (see ¶ 0033). *It should be noted that a reverse traffic channel is an uplink channel from the mobile station (i.e., calling EU) to the base station (i.e., Node B).*

Lee et al did not suggest wherein the service system (SERVER or NODE(s)) stores the data as a data packet until the receiving party (called terminal) can receive the caller information. However, Partridge, III teaches a system and method for transmitting still image as caller ID data where the data stored in the storage (i.e., service system) coupled to the network (see abstract) and soon as an available path has been located and connection to the called terminal (i.e., receiving party) has been established (i.e., the called terminal can receive caller

data), the processor begins to transmit the image data over the link to the called terminal (see col. 5 lines 44-51).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Partridge, III into view of Lee et al in order to transmit data upon availability of the receiving terminal.

Consider claim 25, Lee et al teach wherein the caller information is transmitted in the form of a packet (¶ 0041).

Allowable Subject Matter

4. Claims 1, 8, 19 and 21 are allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 15 and 23 have been considered but are moot in view of the new ground(s) of rejection.
6. Applicant's arguments filed 3/13/2009 with respect to claims 17 and 25 have been fully considered but they are not persuasive.

Regarding applicant argument that Partridge failed to disclosed that “the image storage 50 *stores the data as data packet ...*”. Accordingly, the examiner respectfully disagrees with applicant argument. Partridge inherently disclosed such. As can be seen on column 6 lines 19-25, Partridge suggested that the image or video data maybe formatted into any format compatible with the transmission media. Thus, implies that if the transmission is a data transmission, the image or video must inherently formatted as a packet in order to be transmitted over the data network. Storage 50 will then stored the received data in the format in which it's received. Therefore, Partridge inherently teach that the image storage 50 *stores the data as data packet*.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quoc D Tran/
Primary Examiner, Art Unit 2614
May 19, 2009